IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO. 1700 OF 1987

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the Civil Judge?

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ARVINDBHAI CHHOTALAL SHAH & ANR. - Petitioner(s)
Versus
STATE OF GUJARAT & ORS. - Respondent(s)

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Appearance :
NOTICE UNSERVED for Petitioner(s) : 1 - 2.
MR. DIPEN DESAI, AGP for Respondent – State.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG
and
HONOURABLE MR.JUSTICE M.R. SHAH

Date : 29/06/2006

ORAL JUDGMENT
(Per : HONOURABLE MR.JUSTICE R.S.GARG)

Office Report shows that petitioner Nos.1 and 2 could not be served as they are not traceable.

Mr.Dipen Desai, learned Assistant Government Pleader for the respondent-State, however, submits that no useful purpose would be served by making a hectic effort of finding petitioner Nos.1 and 2 and try to serve them the notice of this case because challenge to Sub.Section-(2) and (6) of Section-(2) of the Bombay Tenancy & Agricultural Lands Act, 1948 does not survive for consideration in view of the judgement of this Court in the matter of **Vishnubhai Ambalal Patel vs. S. P. Thakore & Anr.,** reported in ***2002 (3) GLH 78,*** wherein the Court had noticed that during the pendency of the issue regarding distant Legislature, the Act stands amended and as the amendment has been given retrospective effect, the proceedings pending under Section 84-C of the Act would abate.

Respectfully agreeing with the judgement, above referred, we also hold that the present proceedings would not survive in view of the subsequent amendment. The petition is dismissed. Rule is discharged. Interim relief, if any, granted earlier shall stand vacated. No costs.

[***R.S.Garg, J.***]

[***M. R. Shah, J.***]

*kamlesh**